

**MINUTES OF THE MEETING OF THE
MAYOR AND COUNCIL
OF THE BOROUGH OF SUSSEX
HELD AT THE SUSSEX MUNICIPAL BUILDING
2 MAIN STREET, SUSSEX, NJ
May 6, 2014**

Mayor Rose called the meeting to order and requested the clerk to call the roll. Upon roll call, the following members of the Governing Body were present: Mrs. Marina Krynicky, Mr. Bruce LaBar, Mr. Salvatore Lagattuta, Mrs. Linda Masson, Mrs. Georgeanna Stoll, Mayor Jonathan Rose.

Absent: Mrs. Annette Stendor

Mrs. Stendor arrived at 7:32 pm.

Also present: Borough Attorney Mr. Frank McGovern, Esq. of McGovern and Roseman, P.A. and Mr. Mark Zschack, Municipal Administrator/Clerk

Mayor Rose led the assembly in the flag salute and requested a moment of silence.

Mayor Rose stated "This meeting is being held in compliance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. It has been properly advertised and certified by the Clerk."

COUNCIL MOTIONS: Mayor Rose opened the floor to each member of the Council to offer any motions not currently on the agenda.

No motions were offered at this time.

COMMITTEE REPORTS: Mayor Rose opened the floor to each member of the Council to offer their respective committee reports.

Mrs. Masson Stated on Wednesday April 16th I attended a SCMUA meeting. There was nothing directly relative to the Borough but they were getting ready for the Earth Day Celebration. They were having four hundred and fifty students coming to the facility and they would be there from 9am until 2pm. Today I attended the meeting at Waterloo Village. Lieutenant Governor Kim Guadagno was there as well as Senator Steve Oroho. The Lieutenant Governor spoke about many things but emphasis was on keeping and bringing business in New Jersey. Lieutenant Governor Kim Guadagno gave out her cell phone number and is available to speak with business.

Mrs. Krynicky offered no report at this time.

Mr. LaBar offered no report at this time.

Mr. Lagattuta offered no report at this time.

Mrs. Stoll stated that the Recreation Committee is working on the Miss Sussex contest and have created the registration form to be circulated. On the 18th High Point Regional High School has their meeting which I will be attending.

Mayor Rose stated that Councilwoman Stendor arrived at 7:32 pm.

Mrs. Stendor offered no report at this time.

CONSENT AGENDA

Mayor Rose requested that all persons present review the consent agenda and offer any comments they may have at this time regarding the consent agenda.

Mrs. Masson requested that item number 1 under Correspondence be removed and considered separately.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Memorandum dated April 10, 2014 from Elaine Morgan, Clerk of the Sussex County Board of Chosen Freeholders concerning Capital Improvement Bond Ordinance.
2. Letter dated April 21, 2014 from Liisa Srholez to Mayor and Council Borough of Sussex concerning the sidewalks on Main Street.
3. Letter dated April 30, 2014 from Elke Yeter, CFO to Mayor and Council Borough of Sussex concerning Bond Anticipation Note Sale Results.
4. Letter dated April 21, 2014 from Jim Bevere concerning Sussex Borough's Water and Sewer Utility.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Tax Collector report for the month of April, 2014.
2. Municipal Clerk's report for the month of April, 2014.
3. Water Sewer Collector report for the month of April, 2014.
4. Zoning Permit report for the month of April, 2014.
5. Property Maintenance report for the month of April, 2014
6. Sussex County Planning Board Minutes, March 3, 2014
7. Delinquent Utility Properties Report as of May 2, 2014.
8. Unpaid Utility Properties Report as of May 2, 2014.
9. Delinquent Property Tax Report as of May 2, 2014.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

None

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

Payment of bills for the meeting of May 6, 2014

Mrs. Krynicky made a motion to accept the consent agenda of May 6, 2014 with the removal of item number 1 under Correspondence. Motion seconded by Mr. Lagattuta

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Stendor, Stoll

Nays: None

Abstentions: None

Absent: None

Mrs. Masson made a motion to accept item number 1 under Correspondence on the May 6, 2014 Consent Agenda. Motion seconded by Mr. Lagattuta.

A brief discussion ensued concerning a Memorandum dated April 10, 2014 from Elaine Morgan, Clerk of the Sussex County Board of Chosen Freeholders concerning Capital Improvement Bond Ordinance. The Clerk was asked to look into the possibility of Sussex Borough receiving a grant similar to the one mentioned in the resolution.

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Stendor, Stoll

Nays: None

Abstentions: None

Absent: None

OPEN PUBLIC SESSION #1

Mrs. Stoll made a motion to open the meeting to the public for any questions or comments concerning items on the agenda for which no public discussion is provided. All comments should be directed to the Mayor and are limited to 5 minutes with a total of 10 minutes for the Council to discuss. Motion seconded by Mrs. Masson
All were in favor.

Mike Henderson, Bank Street, Sussex asked the Council to consider, as part of the proposed water/sewer rates, to assess owner occupied multi family houses as one EDU. Mr. Henderson asked if the Borough has assessed the existing water meters to verify if each block and lot has a water meter and if they are accurate? Mr. Henderson asked does the Borough have a meter to verify the sewer flows sent to SCMUA?

Mr. Lagattuta stated that the introduced ordinance does allow for owner occupied multi family houses to apply for an assessment of one EDU.

Mayor Rose stated that the Borough does not have a meter to check the accuracy of flows. A meter did exist but was removed to allow for an emergency bypass pump to be utilized.

Mayor Rose stated that the Borough did a comprehensive review of all properties a few years ago concerning the water and sewer connections.

There being no one else present who wished to address the Governing Body, Mr. LaBar made a motion to close the meeting to the public. Motion seconded by Mr. Lagattuta All were in favor.

ADMINISTRATORS REPORT

Mr. Mark Zschack the Administrator/Clerk offered no report at this time.

OLD BUSINESS

There was no old business discussed at this time.

NEW BUSINESS

Approval of Meeting Minutes

Mr. LaBar made a motion to approve the meeting minutes of the Regular Meeting held on April 15, 2014. (Absent: Stendor) Motion seconded by Mrs. Stoll.

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Stoll

Nays: None

Abstentions: Stendor

Absent: None

Resolution 2014-63R – Second Quarter 2014 Water/Sewer Adjustments

Mr. Lagattuta made a motion to adopt Resolution 2014-63R approving the water/sewer adjustments for the second quarter 2014. Motion seconded by Mr. LaBar.

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Stendor, Stoll

Nays: None

Abstentions: None

Absent: None

Resolution 2014-64R – Fire Department Roadway Collection

Mr. LaBar made a motion to adopt Resolution 2014-64R permitting the Sussex Fire Department to conduct a roadway collection for donations within the Borough, on NJSH Route 23 near the intersection of Brookside Avenue, on May 24, 25, 26, 2014, July 4, 5, 6, 2014, August 30, 31, 2014 and September 1, 2, 2014. Motion seconded by Mrs. Stoll.

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Stendor, Stoll

Nays: None

Abstentions: None

Absent: None

Resolution 2014-65R - Appointment of Special Projects Engineer

Mr. Lagattuta made a motion to adopt resolution 2014-65R appointing Christopher S. Adams, PE, of the firm Civil Dynamics, Inc. as Special Projects Engineer to provide dam engineering services necessary to meet New Jersey Department of Environmental Protection, Bureau of Dam Safety and Flood Control requirements for Lake Rutherford Dam. Motion seconded by Mrs. Stoll.

After a brief discussion the consensus of the Council is to direct the Clerk to authorize Civil Dynamics to draft a letter to the NJDEP requesting a time extension for work that was to be performed by May 31st. The Council would also like the Clerk to invite Mr. Adams to a Mayor and Council meeting to introduce himself and answer any questions that the Council might have concerning the Lake Rutherford Dam.

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Stendor, Stoll

Nays: None

Abstentions: None

Absent: None

Resolution 2014-67R – Customer Request for Water/Sewer Adjustment

Mr. Lagattuta made a motion to adopt resolution 2014-67R approving the customer request to remove \$7,541.90 in sewer charges from the second quarter 2014 billing. Motion seconded by Mr. LaBar.

After a brief discussion Mr. Lagattuta made a motion to amend the previous motion to reduce the refund to \$7,241.90. Motion seconded by Mrs. Stoll.

All were in Favor of the amendment.

Upon roll call vote of original motion as amended:

Ayes: LaBar, Lagattuta, Masson, Stendor, Stoll

Nays: Krynicky

Abstentions: None

Absent: None

Resolution 2014-68R – Change Order #2 for Water Operator Contract

Mr. LaBar made a motion to adopt resolution 2014-68R authorizing the Mayor and Clerk to execute a change order to the Agreement for Water Plant and Distribution System Operator with Agra Environmental Services in the amount of \$2,575.00. Motion seconded by Mrs. Masson.

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Stoll

Nays: Stendor

Abstentions: None

Absent: None

Introduction Ordinance #2014-04 – Water/Sewer Rates

Mr. LaBar made a motion to introduce ordinance #2014-04 entitled “AN ORDINANCE TO AMEND CHAPTER XXIV, SECTION 24 OF THE ORDINANCES OF THE BOROUGH OF SUSSEX ESTABLISHING FEES” Motion seconded by Mr. Lagattuta.

After a lengthy discussion Mr. Lagattuta made a motion to amend the previous motion to reflect the changes as stated by Borough Attorney Frank McGovern and listed below. Motion seconded by Mrs. Krynicky.

All were in Favor of the amendment.

Page one, section 1) and 2) shall be amended to read.

1) The combined units occupied by the owner shall be considered as 1 EDU total. The remaining units of the building will be calculated according to this Ordinance. The owner

must file a signed and notarized Borough-prepared form with the Borough in order to receive the benefit of this adjustment which shall not be retroactive. The owner must continue to file annually with the Borough by January 15th of each year a supplemental signed and notarized statement on a Borough-prepared form in order to retain that benefit; otherwise, the multi-family dwelling will lose the benefit of this adjustment effective January 1 of the year in which such statement is not filed.

2) When all or a portion of combined owner-occupied units of the building are no longer owner-occupied, the owner must notify the Borough within 30 days of such change, and the EDU rate will be re-calculated accordingly and retroactive to the date of the change in occupancy. Failure to notify the Borough of the change within 30 days thereof will result in back charges of the appropriate EDU rate to the present owner of the building.

Page three; first paragraph shall be amended to read.

The Mayor and Council shall form a Committee consisting of two members of the public and one member of the Council and the Mayor shall, with the advice and consent of the Council, appoint members thereof for the purpose of considering and investigating inquiries and requests pertaining to the appropriate calculation of EDUs for specific properties. The Committee shall report its findings and recommendation with regard to each property under consideration to the Mayor and Council; and the governing body may by resolution accept, reject or modify the Committee's recommendation or refer the matter back to the Committee for further consideration and recommendation.

Upon roll call vote of original motion as amended:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Stoll

Nays: Stendor

Abstentions: None

Absent: None

Mayor Rose stated that the Final Reading of Ordinance 2014-04 will be held on June 4, 2014.

Introduction Ordinance #2014-05 – Amend Chapter 19 entitled “Zoning”

Mr. LaBar made a motion to introduce ordinance #2014-05 entitled “AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING CHAPTER 19, ENTITLED “ZONING”, OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF SUSSEX TO REZONE PROPERTY DESIGNATED AS BLOCK 204, LOTS 9, 10, 10.01 AND 11 IN THEIR ENTIRETY TO C-1.” Motion seconded by Mrs. Krynicky.

Mayor Rose excused himself from the dais at 9:09 pm; due to the fact the he owns property within two hundred feet of the proposed zone change.

Council President, Mrs. Krynicky assumed the Mayor's role for the introduction of Ordinance 2014-05.

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Stendor, Stoll

Nays: Masson

Abstentions: None

Absent: None

Mr. LaBar made a motion to refer Ordinance 2014-05 to the Planning/Zoning Board for their comments and recommendations and report back to the Mayor and Council within thirty five days. Motion seconded by Mrs. Stoll.

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Stendor, Stoll

Nays: Masson

Abstentions: None

Absent: None

Council President Krynicky stated that the Final Reading of Ordinance 2014-05 will be held on June 17, 2014.

Mayor Rose returned to the dais at 9:14 pm.

OPEN PUBLIC SESSION #2

Mrs. Stoll made a motion to open the meeting to the public for any questions or comments concerning the good and welfare of the Borough. All comments should be directed to the Mayor and are limited to 5 minutes with a total of 10 minutes for the Council to discuss. Motion seconded by Mrs. Masson
All were in favor.

Brian Oliveir, owner of Bakers Pharmacy Main Street, Sussex asked if the Borough was planning to replace the sidewalks on Main Street, The walkway in front of his establishment is in poor condition and wants to determine if he should replace the bricks himself. It was communicated to Mr. Oliveir that a committee is scheduled to discuss this soon and make a recommendation to the Council.

Jim Bevere, Hamburg Avenue, Sussex commended the Council for all the hard work on the proposed water and sewer rates but has concerns as to how the EDU's were calculated. Mr. Bevere stated that he feels that there are a number of inequities in the proposed rates. A brief discussion ensued in relation to some of the inequities perceived by Mr. Bevere.

There being no one else present who wished to address the Governing Body, Mr. LaBar made a motion to close the meeting to the public. Motion seconded by Mrs. Masson.
All were in favor.

Mayor Rose stated that a lot of work was put into the proposed rates and thanked all who contributed to this project.

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mrs. Masson made a motion to adjourn into closed executive session to discuss three matters falling within the attorney-client privilege, one involving negotiation of a possible joint municipal agreement and the other two involving anticipated litigation. Motion seconded by Mrs. Stoll

Upon roll call vote:
Ayes: Krynicky, LaBar, Lagattuta, Masson, Stendor, Stoll
Nays: None
Abstentions: None
Absent: None

After meeting in closed session, the Governing Body returned to their seats at 10:28 p.m. and Mr. Lagattuta made a motion to adjourn out of closed executive session and to be reconvened into open public session. Motion seconded by Mrs. Masson

Upon roll call vote:
Ayes: Krynicky, LaBar, Lagattuta, Masson, Stendor, Stoll
Nays: None
Abstentions: None
Absent: None

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Lagattuta made a motion to adjourn the meeting. Motion seconded by Mr. LaBar
All were in favor.

Jonathan Rose, Mayor

Mark Zschack, Municipal Clerk